

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ERIC WINSTON
ADC #105483

PLAINTIFF

V. NO: 5:08CV00230 BSM/HDY

MARSHALL GONDER *et al.*

DEFENDANTS

ORDER

The court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff is allowed to proceed to a jury trial only on his claims of excessive force, failure to protect, and delay of medical care.
2. All other claims raised in plaintiff's complaint are DISMISSED WITH PREJUDICE.
3. Plaintiff's pending motion to compel (docket entry #68) is DENIED AS MOOT.

DATED this 1st day of June, 2009.


Brian S. Miller
UNITED STATES DISTRICT JUDGE

